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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,503	11/12/2003	Il-Yong Park	4366-032163	7233

28289 7590 03/19/2007  
THE WEBB LAW FIRM, P.C.  
700 KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219

EXAMINER
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KOEHLER, CHRISTOPHER M

ART UNIT	PAPER NUMBER
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3726

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/706,503

Applicant(s)

PARK, IL-YONG

Examiner

Christopher M. Koehler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US Patent No. 6,450,175) in view of Van Roeyen (US Patent No. 4,369,098).

#### Claim 2:

Park teaches a method of manufacturing a filing tool for hardened-skin care comprising a plurality of filing parts on a plate comprising a first step of setting a patterned photosensitive dry film on the plate (col. 2, lines 54-56), a second step of exposing the substrate set with the film to light (col. 2, lines 56-60), a third step of removing a non-exposed portion of the film to form a masking pattern (col. 2, lines 60-67), a fourth step of plating nickel on the metal plate formed with the masking pattern to form a first nickel-plated layer while simultaneously applying stone powders on the first nickel-plating layer (col. 3, lines 9-18), and a sixth step of removing the masking pattern (col. 2, lines 64-67).

Park does not explicitly teach a step of further plating nickel on the stone powders to form a second nickel-plated layer fixing the stone powders between the first and second nickel-plating layers or that the plate is metal.

Van Roeyen teaches a method of manufacturing a filing tool for skin care comprising a metal plate substrate (14, steel), wherein after the abrasive stone powders are fixed to the metal plate additional layers (20a nickel, 19 copper, 20 nickel, 21

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chromium) are electroplated on the stone powders thereby fixing the stone powders between the first layer and the subsequent layers.

It would have been obvious to one of ordinary skill in the art at the time of invention to apply the subsequent plating layers of Van Roeyen to the method of Park since Van Roeyen teaches that electro-deposition of one or more layers of metal such as copper, nickel, and chromium to form a sheath or shell around the coated base, which is very thin at the projecting peaks of the granules, but relatively thick in the valleys between the peaks so that the thin portions can break off during use to expose the sharp points of the granule while the thick portion will firmly retain the granules in a fixed locked position (col.1, lines 56-63).

It is noted that neither Park nor Van Roeyen teaches a step of nickel plating the first layer and subsequently applying stone powders on the first nickel-plating layer, however, at the time of invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used successive application steps because applicant has not disclosed that such an order of steps provides an advantage, is used for a particular purpose or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the steps taught by Park or the claimed steps because either set of steps performs the same function of embedding stone powders within the first nickel-plated layer equally well. Therefore it would have been an obvious matter of design choice to modify the steps of Park to obtain the invention specified in claim 2. Furthermore, the examiner notes that the instant application states "...application of the nickel and the

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stone powders on the metal plate may be carried out by various method so long as an electroplating process is performed" (page 10, lines 1-3).

Claim 3:

Park teaches that between the third and fourth steps, the metal plate is acid cleaned (col. 3, lines 9-11) and then activated for electroplating (col. 3, lines 11-13). Park does not teach ultrasonically cleaning the metal plate to remove impurities. Since the applicant has failed to traverse the official notice previously taken in regards to the ultrasonically cleaning of the metal plate made in the previous office action the examiner interprets applicant's silence as an admission of prior art (see MPEP 2144.03(C)). It would have been obvious to one of ordinary skill in the art at the time of invention to additionally ultrasonically clean the metal to remove impurities that would not be removable with the acid cleaning of Park.

Claim 4:

Both Park and Van Roeyen teach acid cleaning between plating layers (Park, col. 3, lines 9-11; Van Roeyen, col. 5, lines 59-61) and then activating the metal plate for electroplating (Park, col. 3, lines 11-13). Van Roeyen teaches plating several layers over the stone powders to fix the powders to the substrate and provide a good surface finish (two of the plated layers over the powders are nickel).

***Response to Arguments***

3. Applicant's arguments, see remarks, page 3 of 4, first paragraph, filed 2/22/2007, with respect to the rejection(s) of claim(s) 2 under 35 U.S.C 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

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However, upon further consideration, a new ground(s) of rejection is made in view of Park in view of Van Roeyen, see rejection of claim 2 above.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571) 272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CMK



DAVID P. BRYANT  
SUPERVISORY PATENT EXAMINER

3/16/07